

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5420 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

A. K. SANGHVI & ANR.

Versus

MEHSANA MUNICIPALITY

Appearance:

None present for Petitioners

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/09/96

ORAL JUDGMENT

Perused the Special Civil Application. The petitioners have challenged the Resolution of the respondent dated 20th October 1983, under which they were ordered to be reverted from the post of Secretary and Tax Superintendent to the post of Tax Superintendent and Cashier-cum-Clerk respectively.

2. On 7.11.83, notice was issued in this case and ad

interim relief in terms of Para 12 B of the petition has been granted. Then Rule was issued on 30th November 1983 and ad interim relief granted was ordered to be continued. The petitioners were promoted on the posts of Secretary and Tax Superintendent under the Resolution dated 5.4.77. Their reversion has been made on 29th October 1983, i.e. after more than six years and nine months. No reply has been filed by respondents in this Special Civil Application.

3. The reversion order has been challenged by the petitioner on the ground that before passing of the said order, they have not been given any notice or opportunity of hearing. I find sufficient merits in this contention. The petitioners were working on the posts for more than six years and nine months and as such before making the order of their reversion, notice and opportunity of hearing should have been given to them. On this ground alone this writ petition deserves to be allowed. Order accordingly. The Resolution dated 29th October 1983 is quashed and set aside. However, it shall be open for respondents to pass appropriate orders after giving a notice and opportunity of hearing to the petitioners.

4. In the result, this Special Civil Application is allowed. Rule is made absolute in aforesaid terms with no order as to costs.

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(sunil)